

Expulsion Policy 5006

KTEC High School may permanently expel from the School any student whose misconduct, disobedience, and/or violation of the Code of Student Conduct warrants this sanction. No student shall be expelled without an opportunity for a formal expulsion hearing before the Governance Board, a duly authorized committee of the Governance Board, or a qualified hearing examiner appointed by the Governance Board.

Expulsions shall be brought before the Governance Board by the Chief Executive Officer or designee who shall notify the Governance Board that the school is recommending a student for expulsion. The Governance Board shall weigh all of the evidence presented by the School and by the student's parents/guardians at the formal expulsion hearing before scheduling a vote on the question of whether the student should be expelled.

A pupil **may** be expelled from school:

- If the school board finds the pupil guilty of repeated refusal or neglect to obey school rules.
- For threatening to destroy school property by explosives.
- For engaging in conduct while at school or under the supervision of a school authority which endangered the property, health or safety of others.
- For conduct while not at school or while not under the supervision of school authority which endangered the property, health or safety of others at school or under the supervision of a school authority or endangered the property, health or safety of any employee or school board member in the pupil's district.
- For conduct that endangers a person or property, including making a threat to the health or safety of a person or making a threat to damage property.
 - For any violation of the School's Code of Conduct deemed serious enough to warrant permanent removal from the School environment.

School policy **requires expulsion** whenever a student possesses a firearm at school or while under the supervision of a school authority. While Policy requires a one year expulsion for firearms that meet the federal definition, the Governance Board may modify the order on a case-by case basis.

In determining whether the interest of the School demands expulsion, the Governance Board may want to consider the following:

- Are consequences other than expulsion available (through the school or the community)?
- Other educational alternatives available that will maintain a safe, learning environment.
- The severity of the misconduct.
- Availability of community resources to address the misconduct.
- The effect the misconduct had on the school environment.
- Whether expulsion is necessary to counter this effect

The Governance Board shall vote at a public meeting on whether the student shall be expelled for any length of time or whether a lesser sanction shall be imposed. The Governance Board or its designee shall notify the student's parents/guardians of the date of the vote prior to the vote taking place. The parents/guardians shall be afforded the opportunity to address the Governance Board at the public meeting, consistently. Expulsions shall be effective upon the affirmative vote of a majority of the Governance Board.

Expulsions shall be permanent unless a period for the expulsion is specified at the time the Governance Board votes on the expulsion. Expulsions for weapons-related offenses shall be for at least one (1) year. However, the Governance Board may consider imposing a lesser sanction for a weapons offense if recommended by the Superintendent because of exceptional circumstances presented by the student and/or the student's parents/guardians.

The formal hearing shall observe the due process requirements of: 1. Notification of the charges in writing by certified mail to the student's parent/guardian. 2. At least three (3) days' notice of the time and place of the hearing, which shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when s/he demonstrates compelling cause for an extension. 3. The hearing shall be private unless the student or parent/guardian requests a public hearing. 4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing. 5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits. 6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined. 7. The right to testify, make arguments and present witnesses on the student's behalf. 8. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent. 9. The hearing shall be held within fifteen (15) school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by: a. The need for laboratory reports from law enforcement agencies. b. Evaluations or other court or administrative proceedings are pending due to a student's invoking his/her rights under the Individuals with Disabilities Education Act (IDEA). c. Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury. 10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

A written adjudication shall be issued after the Governance Board has acted to expel a student. The adjudication may include additional conditions or sanctions.

Expulsion of Students with Disabilities

When a student with a disability commits a behavioral infraction that has met the grounds for expulsion, the principal or designee will initiate the process of taking the student to the Governance Board and a Manifestation Determination Review (MDR) will take place. Per federal law, a MDR must be held within 10 days of the behavioral infraction, and will determine whether the student's behavior that is subject to discipline is a manifestation of the student's disability.

As part of the MDR process, the IEP (Individualized Education Plan) team will determine:

- 1) whether the behavior was caused by, or had a direct and substantial relationship to the student's disability;
- 2) whether the behavior was a result of KTEC failing to implement the student's IEP; and
- 3) whether the behavior that is subject to disciplinary action is a manifestation of the student's disability.

If the IEP team finds that the student's behavior was not a manifestation of their disability, the student who committed the behavioral infraction can be subjected to the same disciplinary consequences as a student without a disability, and expulsion proceedings may be initiated. If the MDR finds that the behavior had a direct and substantial relationship to the student's disability, the student cannot be recommended for expulsion. Rather, the IEP team will consider other program modifications as appropriate, including a 45-day placement in an interim alternative education setting, with a possible extension if the team determines the child is unsafe to return to the environment.

DPI Document-Answers to Frequently Asked School Discipline Questions

Wisconsin Statutes

120.13 (1) (c)

119.25

120.13 (1) (c) 1

120.13 (1) (c) 2m

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